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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTY. DOCK
09/964,624	09/28/01	HEMMI, ET AL.	

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EXAMINER	
ART UNIT	PAPER
	2

DATE MAILED: 10/16/01

**IF NO RESPONSE TO THIS NOTICE IS RECEIVED WITHIN FORTY-FIVE DAYS,
FORMAL REQUIREMENT WILL BE ISSUED**

The subject matter of this application appears to:

☒ be "useful in the production or utilization of special nuclear material or atomic energy" as recited in 42 U.S.C. 2131 (Department of Energy (DOE)).

☐ "have significant utility in the conduct of aeronautical and space activities" as recited in 42 U.S.C. 2457 (Aeronautics and Space Administration (NASA)).

Accordingly, no patent can issue on this application unless applicant(s) file a statement (under oath or in the declaration as provided by 37 CFR 1.68) setting forth (1) the full facts concerning the circumstances under which the invention was made and conceived and (2) the relationship (if any) of the invention to the performance of any work under any contract or other arrangement with the Agency(ies) noted above. On the reverse side of this form is an acceptable format for this statement. The language appearing in paragraphs III and/or IV of the examination report will appear if applicant is attempting to establish that no relationship (under item 2 above) exists.

If the invention disclosed in this application was developed under a contract, grant or cooperative agreement with the Agency indicated above and a person, small business or non-profit organization and rights to the invention have been determined by specific reference to 35 U.S.C. 202 in the contract, grant or cooperative agreement, then applicant must not submit the statement described above. Instead, applicant may file a verified statement (under oath or in the declaration, 37 CFR 1.68) setting forth the information required by 35 U.S.C. 202(c)(6).

IF NO STATEMENT HAS BEEN RECEIVED WITHIN FORTY-FIVE DAYS OF THE MAIL DATE INDICATED, a formal requirement for statement will then be issued. No provision is made for extension of the statutory thirty-day period for response to the formal requirement and the penalty for failure to file an acceptable and timely statement is abandonment of the application. Therefore, applicants are strongly encouraged to submit a statement at this time to avoid the issuance of a formal requirement.

IT IS IMPORTANT TO NOTE that the statement must accurately represent the property rights situation of the invention if and when the application is found allowable. Thus, if during prosecution before the examiner, the invention is so altered or the property rights situation so changed as to impact the accuracy of a statement filed earlier, a supplemental statement must be filed. Failure to submit such additional information where appropriate may be considered a false representation of material facts and render the patent owner vulnerable to loss of patent and other sanctions as set forth in the statutes. The PTO will not review allowed applications for this possible responsibility for complying with the statutes rests with the applicants.

Any questions regarding this requirement should be directed to Licensing and Review at (703) 306-4191.

**PLEASE DIRECT ALL COMMUNICATIONS RELATING TO THIS MATTER TO THE
ATTENTION OF LICENSING AND REVIEW**

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Following is an example of an acceptable property rights statement. Statements of this type are, of course, only for situations in which **NO** Agency funds or other considerations were involved in the making or conception of the invention. While this example is in the form of a declaration, a sworn document is equally acceptable.

I, _____
of _____
at _____

I (we) made and conceived the invention described and claimed in patent application:

Number _____ filed in the United States of America on _____

(Check and complete either I or II below)

(Check III and/or IV below as appropriate)

I. (For Inventors Employed by an Organization) That I (we) made and conceived this invention while employed by _____.

That the invention is related to the work I am (we are) employed by _____ and was made within the scope of my (our) present duties; That the invention was made during my (our) regular hours and with the use of facilities, equipment, materials, funds, information and services of _____.

Other relevant facts are _____
(name of employer)

To the best of my (our) knowledge and belief (and/or based upon information provided by _____ of _____):

That to the best of my (our) knowledge and belief:

☐ III. The invention was not made or conceived in the course of, or in connection with, or under the terms of any contract, subcontract or arrangement entered into with or for the benefit of the United States Atomic Energy Commission or its successors: Energy Research and Development Administration or the Department of Energy.

—AND/OR—

☐ IV. The invention was not made (conceived or first actually reduced to practice) under nor is there any relationship of the invention to the performance of any work under any contract of the National Aeronautics and Space Administration.

II. (For Self-Employed Inventors) That I (we) made and conceived this invention on my (our) own time using my (our) own facilities, equipment, materials, funds, information and services. Other relevant facts are _____

I (we) the undersigned inventor(s) declare further that all statements made herein of his or her (their) own knowledge are true and that all statements made on information and belief are believed to be true and further that these statements are made in good faith and knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the invention or any patent issuing thereon.

Signature: _____

Address: _____

Signature: _____

Address: _____